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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 554,617	08 23 2000	Kazuyoshi Arai	P19547	9479

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RESTON, VA 20191

EXAMINER

PHASGE, ARUN S

ART UNIT	PAPER NUMBER
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1741

DATE MAILED: 07 02 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/554.617

Applicant(s)

ARAI ET AL.

Examiner

Arun S. Phasge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 17-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I in Paper No. 7 is acknowledged. The traversal is on the ground(s) that the Examiner's basis for lack of unity of invention are not the special technical features of the present invention upon which Applicants are relying for unity of invention. This is not found persuasive, because although the portions cited by the prior Examiner did not fully demonstrate the basis for the lack of unity, there is clearly a lack of unity of the invention. Applicants while pointing out that the particular technical features cited by the Examiner to show that the features were not common to claim groups, does not point out the "special technical features" that define a contribution which each of the claimed inventions, considered as a whole makes over the prior art.

It cannot be said that water having at least one of carbonate or bicarbonate is a special technical feature, since it is known in the art.

With regard to the argument that the searches "for the Groups should significantly overlap" and would not constitute a serious search burden, it is unclear to the examiner how a search for a method of producing detergent would significantly overlap the search for a washing machine. It is obvious there is a serious burden as demonstrated by the different classification recited in the Restriction requirement previously mailed.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese patent to Suzuki et al. (Suzuki), Jp 08-112573 (using a machine generated translation).

Suzuki discloses the claimed method including the step of electrolyzing a solution containing at least one of carbonate and bicarbonate of alkali metal as a solution to be electrolyzed (see page 4 of 7 section 0035). The reference further discloses the claimed electrolytic cell having membrane separating anode and cathode and using the water produced in either anode, cathode or mixed (see entire pages 4 and 5). The reference further discloses the diluting of the water (see figure 1). The reference also teaches the same properties, such as pH (see page 6).

Therefore, the claims are anticipated.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been

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obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki as applied to claims above, further in view of Mazzola, U.S. Patent 5,443,751.

The Suzuki patent does not disclose the addition of other washing aid agents as claimed. The Mazzola patent discloses it is known in the art to add washing aid agents as claimed to carbonate containing solutions to form detergents (see Abstract and claims 1-9).

The invention as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the disclosure of the Suzuki with the teachings of the Mazzola patent, because the Mazzola patent teaches the use of the claimed washing aid agents to carbonate containing solutions. Furthermore, the Mazzola patent renders obvious the limitation of contacting the carbonate containing water with

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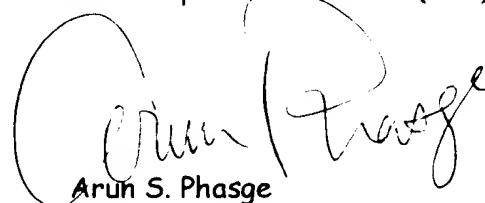
insoluble carbonate, since the Abstract teaches that there is some residue of undissolved sodium carbonate under cold water laundering conditions.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arun S. Phasge whose telephone number is (703) 308-2528. The examiner can normally be reached on MONDAY-THURSDAY, 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X Nguyen can be reached on (703) 308-3322. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Arun S. Phasge
Primary Examiner
Art Unit 1741

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June 27, 2002